REMARKS

Claims 26-47 are pending in the application.

Claims 32, 35, 40 and 43 are amended above to more clearly set forth what the Applicant regards as the invention.

New claims 44-47 are added to the application.

No new matter is added to the application by this amendment.

The examiner's claim rejections are overcome or they are traversed as set forth below.

I.   TRAVERSE OF THE ANTICIPATION REJECTION

The examiner rejected claims 26-32 and 34-43 for being anticipated under 35 USC 102(e) by Shiga et al. (USP 6,005,562) (hereinafter "Shiga"). The examiner's rejection is traversed on several distinct grounds recited below.

A.   Shinga Does Not Disclose "Transmitting The Selection Data Separately Without The Actual Service Data Of The Service Multiplex To the Customer Terminal"

All independent application claims include generally the feature of "transmitting the selection data separately, without the actual service data of the service multiplex to the customer terminal for displaying the selected data. . . ". Shinga does not disclose this feature and all pending application claims are novel of Shinga for at least this reason.

In section 6 of the Final Action, the Examiner rebuts the Applicants position that Shiga fails to teach transmitting the selection data separately, without the actual service data of the service multiplex, to the customer terminal for displaying the selection data. In particular, the examiner relies upon column 6, lines 7-15 of Shiga for disclosing transmitting program quide text data (selection data) and programs (actual service data) separately.

The portion of Shiga the examiner relies upon for disclosing this claim feature does not. The excerpt of Shiga recited above does not disclose that the program guide data is sent separately, without the service data of the service multiplex. Instead, Column 6, lines 7-15 of Shiga discusses the content of the program guide data and discloses merely that the program guide text data (EPG2) relates to programs to be transmitted over a predetermined time

duration, such as programs that are currently being transmitted as well as programs that will be transmitted over the next 24 hours. Because Shiga does not disclose the claim step of transmitting the selection data separately without the actual service data of the service multiplex to the customer terminal, all pending application claims are novel and must be allowed.

B.   Shiga Does Not Disclose "Forming Selection Data For The Selection Of The Service Data On The Basis Of The Identification And Control Data"

Each independent claim calls for, in some manner, forming selection data for the selection of the service data on the basis of the identification and control data. All pending claims are patentable because Shiga does not disclose this feature of the claimed invention. Moreover, all claims are patentable because Shiga teaches away from this feature of the claimed invention.

1.   Shiga does not disclose this feature

The Examiner cites column 12, lines 33-40 of Shiga as disclosing the generation of service selection data for the selection of the service data on the basis of the <u>identification and control data</u> located in the service multiplex. The Examiner is incorrect about the teachings of the cited section of Shiga. The cited excerpt of Shiga discloses that "The EPG data, as well as other types of accessory data, is transmitted in a Direct Video Broadcast (DVB) system as service information (SI). The data is used to produce and display an electronic program table is shown in FIG. 13". This excerpt of Shiga teaches that the EPG data is transmitted in service information (SI) of a service multiplex, *i.e.* <u>with the program data</u>. The transmitted EPG data is contained in service information data, not produced from it. This is confirmed also in column 20, lines 63-66, and column 21, lines 12-15 in Shiga, for example. These sections of Shiga also explicitly state that SI information, and thereby the EPG data, is transmitted with the program data. Clearly, Shiga does not disclose forming selection data for the selection of the service data on the basis of the identification and control data and, therefore, all pending application claims are novel.

2.   Shiga teaches away from this feature of the claimed invention

All claims are also patentable over Shiga because it teaches away from an apparatus

and/or method wherein forming selection data for the selection of the service data on the basis of the identification and control data. Indeed, column 2 lines 30-36 in the "Summary of the Invention" of Shiga discloses "[t]he <u>EPG data is combined with current program data</u> then being broadcasted, and <u>the combined data is transmitted.</u> At the <u>receiver, the EPG data is separated from the</u> <u>program data</u> ....". (emphasis added). Not only does this excerpt of Shiga fail to disclose the claim feature of generating service selection data for the selection of the service on the basis of the identification and control data located in the service multiplex, it also provides an explicit teaching away from the present invention thereby rendering all claims patentable. That is because what Shiga teaches here is that the EPG data is transmitted combined with the program data, and more specifically as a part of the service information SI of the program data, and then separated at the receiver. This is completely contrary to the claims which require forming selection data for the selection of service data on the basis of the identification and control data located in the service multiplex. For at least this reason, all pending application claims are novel over Shiga.

C. **Shiga Does Not Disclose Generating Service Selection Data For The Selection Of The Service Data On The Basis Of The Identification And Control Data Located In The Service Multiplex, And Transmitting The Generated Selection Data Separately, Without The Actual Service Data Of The Service Multiplex, To The Customer Terminal For Selection Data Display**

The pending application claims are also independently patentable because Shiga fails to disclose generation of service selection data for the selection of the service data on the basis of the <u>identification and control data</u> located in the service multiplex, and transmitting the generated selection data separately, without the actual service data of the service multiplex, to the customer terminal for displaying the selection data.

Moreover, Shiga fails to teach that such generated and separately transmitted selection data of service data contains the identification and control data located in the service multiplex so as to enable "identifying, in response to the user selecting a service displayed on a display unit, the selected service on the basis of said identification and control data associated the selected service and transmitted in multiplexed frames, and providing the customer with the

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identified service from the service multiplex", as disclosed in claim 1. In other words, the selection data according to an embodiment of the invention generated from the service multiplex is also inherently applicable for identifying and locating the selected service from the received service multiplex as the latter contains similar type of identification and control data.

The Examiner cites to column 9, lines 32-50 in Shiga for disclosing this feature of the claimed invention. However, this excerpt of Shiga actually discloses that EPG text and image data is displayed to the user (as shown in Figures 8, 9 and 10). The user can select more detailed text for individual program titles. However, The EPG text and image data of Shiga do not enable the selected service the identification of the basis of said identification and control data associated the selected service and transmitted in multiplexed frames, and providing the customer with the identified service from the service multiplex. For this reasons as well all pending claims are not anticipated by Shiga.

D.   Many Of The Pending Claims Are Independently Patentable

Claim 39 is independently patentable because Shiga fails to teach a system with a transmitter transmitting the combined service selection data... to a customer terminal to be displayed in form of a combined service selection list of said plurality of services available in the multiplex, whereby the customer terminal, in response to the user selecting a service on said combined service selection list, automatically identifies and provides to the customer the selected service using service data from those subsequently received multiplexed frames which contain identification and control data matching to the service selection data associated with the selected service.

Claim 40 – as amended - is independently patentable at least because Shiga fails to teach a method wherein, in response to the user selecting a service displayed on a display unit, providing the customer with the selected service from those subsequently received multiplexed frames identified by identification and control data corresponding to the service selection data of the selected service. For at least this reason, claim 40 is not anticipated by Shiga.

Regarding claims 27, 36, and 43, Shiga explicitly discloses the transmission of service data and the program guide text data via the same broadcast system, more specifically, the service information (SI) of the broadcast service multiplex. In other words, Shiga fails to teach

transmitting the selection data to the customer terminal via a different network than the service multiplex is transmitted, as claimed in claims 27 and 36.

Regarding claim 27, the Examiner refers to column 4, lines 5-18 in Shiga as disclosing transmission of selection data to the customer terminal via a different network that the service multiplex is transmitted. We respectfully disagree. Column 4, lines 5-18 in Shiga merely disclose that the design of the transmission system shown in Figure 1 can be applied in various kinds of television broadcast systems. Regardless of the broadcast system employed, the broadcast system transmits both the program data and the EPG data. As can be readily seen in Figure 1 and as described in column 5, lines 62-65 of Shiga for example, the EPG data is supplied to multiplexer of each broadcast channel, i.e. the EPG data is multiplex to and transmitted on each broadcast channel. Further, the EPG data is transmitted the broadcast channels of the specific broadcast system only.

Claim 43 is also independently patentable of Shiga. Instead, the Examiner has totally ignored the independent claim 43 recitation that of transmitting the service selection data separately through a data network, independently from trans-mission of the actual service data of the multiplex and the associated identification and control data in the multiplexed frames in a broadcast network, to a customer terminal, as claimed in independent claim 43. Since examiner has not shown where this feature is found in Shiga, and since Shiga fails to teach this feature, claim 43 is independently novel and patentable over Shiga.

Amended claims 40 and 43 as well as new claims 44 to 46 are also patentable over Shiga. Claims 40 and 43-46 recite that the selection data comprises a selection data file, which further distinguish the selection data from the EPG data which is part of the service information in Shiga.

Finally, new claim 47 recites that the selection data file is transmitted via a server in the data network. This feature is believed to cause claim 47 to be independently patentable over the prior art.

IV. TRAVERSE OF THE OBVIOUSNESS REJECTION

The examiner rejected claim 33 for obviousness in view of Shiga et al.

Claim 33 is non-obvious and patentable because Shiga does not disclose every feature of claim 26, the claim upon which claim 33 depends as set forth in Section III above.

CONCLUSION

In view of the claim amendments above, and further in view of the statements in favor of patentability presented above it is believed that pending claims 26-47 of this application are allowable. Favorable reconsideration and allowance of the pending application claims is, therefore, courteously solicited.

Respectfully submitted,

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